

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

D/F

THOMAS RAFANIELLO and
ANNETTE RAFANIELLO,

ORDER

14-CV-3385 (NGG) (MDG)

Plaintiffs,

-against-

TRAVELERS CASUALTY COMPANY,

Defendants.

NICHOLAS G. GARAUFIS, United States District Judge.

On May 29, 2014, Plaintiffs Thomas and Annette Rafaniello initiated this action against Defendant Travelers Casualty Company alleging that Defendant violated Plaintiff's insurance contract with regard to Plaintiffs' claims for property damage after Hurricane Sandy. (See Compl. (Dkt. 1).) On June 3, 2014, this case was designated a "Hurricane Sandy Case" in accordance with Eastern District Administrative Order No. 14-03, bringing the case under the management of Magistrate Judges Ramon E. Reyes, Cheryl L. Pollak, and Gary R. Brown (the "Managing Judges"). (June 3, 2014, Hurricane Sandy Notice.) On February 22, 2016, the Managing Judges jointly issued a Report & Recommendation ("R&R") recommending that the case be dismissed with prejudice. (See R&R (Dkt. 69).) As the R&R explains:

Despite numerous Orders from the Court, calls from defense counsel and the Court, and several specific Orders to Show Cause warning that the case was in peril of being dismissed, plaintiffs have not filed any documents or taken any action indicating any interest in pursuing these claims. Courts have repeatedly found that "dismissal of an action is warranted when a litigant, whether represented or instead proceeding pro se, fails to comply with legitimate court directives."

(Id. at 3 (quoting Robinson v. Sposato, No. 13-CV-3334 (JFB) (WDW), 2014 WL 1699001, at *1 (E.D.N.Y. Apr. 24, 2014) (collecting cases)).)

No party has objected to the Managing Judges' R&R, and the time to do so has passed. See Fed. R. Civ. P. 72(b)(2). (See also R&R at 3 ("Any objections to this Report and Recommendation must be filed . . . within fourteen (14) days of receipt of this Report. Failure to file objections within the specified time waives the right to appeal the district court's order.").) Therefore, the court reviews the R&R for clear error. See Colon v. Sheahan, No. 13-CV-6744, 2016 WL 3926443, at *3 (S.D.N.Y. July 14, 2016); Gesualdi v. Mack Excavation & Trailer Serv., Inc., No. 09-CV-2502 (KAM) (JO), 2010 WL 985294, at *1 (E.D.N.Y. Mar. 15, 2010); see also Porter v. Potter, 219 F. App'x 112 (2d Cir. 2007) (summary order); cf. 28 U.S.C. § 636(b)(1).

The court finds no clear error, and therefore ADOPTS IN FULL the Managing Judges' R&R. Accordingly, the case is DISMISSED WITH PREJUDICE. The Clerk of Court is respectfully DIRECTED to close the case.

SO ORDERED.

Dated: Brooklyn, New York
September 15, 2016

s/Nicholas G. Garaufis

NICHOLAS G. GARAUFIS
United States District Judge